

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Plaintiff,

v.

ZILLOW GROUP, INC.; and
ZILLOW, INC.,

Defendants.

C20-851 TSZ

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Plaintiff,

v.

ZILLOW GROUP, INC.; and
ZILLOW, INC.,

Defendants.

C20-1130 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The parties are DIRECTED to meet and confer and to file a Joint Status Report within fourteen (14) days of the date of this Minute Order addressing the following issues:

(a) Whether the stay of these matters should be lifted with respect to U.S. Patent No. 8,315,904 (“the ’904 Patent”) (Seventh Claim in Case No. C20-851) and U.S. Patent No. 7,543,234 (“the ’234 Patent”) (Third Claim in Case No. C20-1130);

(b) If the stay is lifted, what dates and deadlines the Court should set for claim construction (if needed), completion of discovery, dispositive motions, and trial;

(c) Whether plaintiff is bound by the decision in *International Business Machines Corp. v. Zynga Inc.*, 642 F. Supp. 3d 481 (D. Del. 2022), declaring the '904 Patent invalid pursuant to 35 U.S.C. § 101 and *Alice Corp. v. CLS Bank International*, 573 U.S. 208 (2014);

(d) Whether plaintiff is bound by the Patent Trial and Appeal Board's ruling that Claims 1, 3–6, 13, and 15–18 of the '234 Patent are unpatentable;

(e) Whether plaintiff alleges that defendants' systems infringe Claims 2, 7–12, and/or 14 of the '234 Patent; and

(f) Given that only one claim remains in Case No. C20-1130, whether it should be consolidated into Case No. C20-851.

(2) The First, Second, and Sixth Claims in Case No. C20-851, relating to U.S. Patents Nos. 7,072,849 ("the '849 Patent"), 7,631,346 ("the '346 Patent"), and 7,076,443 ("the '443 Patent"), respectively, remain stayed. The '849 and '443 Patents are the subjects of an appeal pending before the United States Court of Appeals for the Federal Circuit, *Chewy, Inc. v. Int'l Bus. Machs. Corp.*, No. 22-1756, in which oral argument was heard on October 4, 2023, and the '346 Patent is involved in a different case before the Federal Circuit, *Ebates Performance Mktg., Inc. d/b/a Rakuten Rewards v. Int'l Bus. Machs. Corp.*, Nos. 24-1170, 24-1238, & 24-1274 (consolidated). The parties are DIRECTED to file a Joint Status Report within fourteen (14) days after the Federal Circuit issues any substantive decision in either matter.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 5th day of March, 2024.

Ravi Subramanian
Clerk

s/Laurie Cuaresma
Deputy Clerk